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## THE DELIMITATION OF POLITICAL JURISDICTIONS IN SPANISH NORTH AMERICA TO 1535<sup>1</sup>

The delimitation of political jurisdictions in Spanish North America prior to the establishment of the first viceroyalty has never been satisfactorily treated. Many of the facts bearing upon this subject have been obscured and positive errors committed by Herrera, Helps, Bancroft, and later writers; other facts are now established through sources which have not been used or which only recently have been made available. For instance it is now clear that the provinces granted to Nicuesa and Ojeda were not Castilla del Oro and Nueva Andalucía—the commonly accepted statements to the contrary; that Castilla del Oro, when finally so-named and delimited, actually embraced Nueva Andalucía as one of its provinces; that the great Balboa was in the employ of Governor Pedrarias months after the date usually assigned for his execution by that official; and that New Spain, as originally founded and granted, was quite different territorially from the New Spain as later delimited and still later administered by the first and second *audiencias*. It is the purpose of this paper to define the several political jurisdictions that were established, or granted, on the mainland prior to 1535, to indicate changes made in those jurisdictions, and to sketch the political readjustments resulting from such changes.

### I. ESPAÑOLA AND THE FOUNDING OF CASTILLA DEL ORO, 1492–1524

The history of Spanish settlement in the new world began in the winter of 1492–1493. In January of that winter Columbus left part of his force at La Navidad on the northern coast of the island of Española and returned to Spain for reinforcements. During the nine months of his absence La Navidad was destroyed, and it

<sup>1</sup> Read before the American Historical Association, at Philadelphia, December 29, 1917.

was not until 1496, after the abandonment of Isabella in the north, that the first permanent settlement in the new world was established at Santo Domingo on the southern coast of the island.<sup>2</sup> Seven years later the first attempt to settle the mainland was made when Columbus, in the course of his fourth voyage from Spain, founded on the Isthmus of Panamá, in the so-called province of Veragua,<sup>3</sup> the short-lived colony of Santa María de Belén.<sup>4</sup>

It was not from Spain, however, but from Santo Domingo as a base that actual settlement on the mainland was effected. On June 9, 1508, the king contracted with Alonso de Ojeda and Diego de Nicuesa for the conquest and occupation of those regions of Tierra Firme<sup>5</sup> known as Urabá and Veragua (not Nueva Andalucía and Castilla del Oro, as Herrera and others state), the first being

<sup>2</sup> Fiske, *The Discovery of America* (Boston, 1892-1895), I. 466-468; Bourne, *Spain in America, 1450-1580* (New York, 1904), p. 49.

<sup>3</sup> Originally Veragua was the name applied to the region explored by Columbus on his fourth voyage. As such it extended only to the vicinity of Nombre de Dios. Veragua as later granted to Nicuesa included also the region between Nombre de Dios and the Gulf of Urabá. Four months after the appointment of Nicuesa, Diego Columbus was named royal *juez* and governor of the Indies ("Real cédula nombrando por gobernador de Las Indias al Almirante Don Diego Colon", in *Colección de Documentos Inéditos, relativos al Descubrimiento, Conquista y Organización de las antiguas Posesiones Españolas de América y Oceanía* (Madrid, 1864-1884), XXXII. 55-60). As is pointed out later, when Nicuesa's contract became void, Diego Columbus's claims to the regions discovered by his father were recognized.

<sup>4</sup> Bancroft, *History of Central America* (San Francisco, 1882-1887), I. 218-230; Fiske, *op. cit.*, I. 511; Guardia, *History of the Discovery and Conquest of Costa Rica* (Van Dyke trans., New York, 1913), p. 44. See map of "The Course Followed by Columbus", in Guardia, *op. cit.*, p. 43; "Map of Columbus' Four Voyages", in Winsor, *Narrative and Critical History of America* (Boston, 1884-1889), II. 60-61; "Map of Darien and Tierra Firme", in Bancroft, *op. cit.*, frontispiece; and "Map of Darien", in Johnson, *Pioneer Spaniards in North America* (Boston, 1903), p. 52.

<sup>5</sup> The following quotation from a royal *cédula* of July 27, 1513, defines Tierra Firme as it was then understood: "D. Fernando &c. Porcuanto á nuestro Señor ha placido que por mandado de la serenísima Reina, mi muy cara e muy amada Hija, é mio, se han descubierto algunas islas é tierras que hasta agora eran innotos, é entre ellas una muy grande parte de tierra que fasta aqui se ha llamado Tierra-firme. . ." ("Título de Capitan general y Gobernador de la provincia de Castilla del Oro en el Darien, expedido por el Rey-Católico á Pedrarias Dávila", in Navarrete, *Colección de los Viajes y Descubrimientos que hicieron por Mar los Españoles desde fines del Siglo XV* (Madrid, 1829), III. 337.

indefinitely defined as extending as far as the Gulf of Urabá,<sup>6</sup> and the second as lying between that body of water and the limit of Columbus's recent explorations,<sup>7</sup> namely, the northern coast of Honduras. Ojeda was appointed for a period of four years captain<sup>8</sup> and governor<sup>9</sup> of Urabá; Nicuesa received a similar appointment for the same period in Veragua.<sup>10</sup> Together they were to raise a force of eight hundred men. Of these, two hundred might enlist in Castile; the others were to be raised in Española.<sup>11</sup> To Ojeda and Nicuesa the king granted jurisdiction in civil and criminal cases, although it is significant that provision was made for the right of appeal to the governor of Española.<sup>12</sup> Juan de la Cosa, at first designated as lieutenant-captain to Ojeda,<sup>13</sup> was later appointed *alguacil mayor* in Urabá, a position which had been promised to him as early as 1503.<sup>14</sup> The contract further provided that in Urabá, Ojeda, assisted by one Silvestre Pérez, was to select sites for, and, within two and one-half years, erect thereon two fortresses; in Veragua, Nicuesa, with the assistance of Ojeda, was to do likewise.<sup>15</sup>

<sup>6</sup> The modern Gulf of Darién.

<sup>7</sup> "Capitulacion que se toma con Diego de Nicuesa y Alonso de Ojeda," in *Col. Doc. Inéd.*, XXII. 15. (This document is printed also in *ibid.*, XXXII. 29-43, and in Angel de Altolaquirre y Duvalé, *Vasco Núñez de Balboa* (Madrid, 1914), apéndice 1, pp. 1-9.)

<sup>8</sup> *Ibid.*, pp. 13-26.

<sup>9</sup> "Real cédula por la cual, con referencia á lo capitulado con Diego de Nicuesa y Alonso de Hojeda, y al nombramiento de ámbos por cuatro años para Gobernadores de Veragua el primero y de Urabá el segundo . . . ." in Navarrete, *op. cit.*, III. 116-117.

<sup>10</sup> "Capitulacion . . . con diego de Nicuesa y Alonso de Ojeda," *op. cit.*, XXII. 13-26; "Poder a Diego de Nicuesa e Alhonso Doxeda, capitanes de los navíos que lleven, e gobernador de Veragua e Huraba," in *Col. Doc. Inéd.*, XXXII. 25-29.

<sup>11</sup> "Capitulacion . . . con Diego de Nicuesa y Alonso de Ojeda," *op. cit.*, XXII. 18.

<sup>12</sup> *Ibid.*, XXII. 24-25.

<sup>13</sup> "Real cédula para que Xoan de la Cossa sea capitan e gobernador por Alhonso Doxeda; e en las partes donde esthobiere el dicho Doxeda sea su lugarthiente," in *Col. Doc. Inéd.*, XXXII. 43-45; "Capitulacion . . . con Diego de Nicuesa y Alonso de Ojeda", in *ibid.*, XXII. 24.

<sup>14</sup> "Real cédula confirmando á Juan de la Cosa en el oficio de Alguacil mayor de Urabá", in Navarrete, *Viages*, III. 118-119; and in *Col. Doc. Inéd.*, XXXII. 46-50.

<sup>15</sup> "Capitulacion . . . con Diego de Nicuesa y Alonso de Ojeda," *op. cit.*, XXII. 15.

In the latter part of 1509, Ojeda and Nicuesa sailed from Española for their respective jurisdictions, between which the Río Grande del Darién was, by agreement, now fixed as the boundary.<sup>16</sup> With them they carried their full quota of men, although only one hundred and fifty had come from Castile.<sup>17</sup> The unsuccessful and well-nigh fatal attempts of Ojeda to found settlements at Cartagena and San Sebastián, and of Nicuesa at Belén and Nombre de Dios, finally resulted in the union of the two groups of colonists at Santa María de la Antigua del Darién, which had been founded by Ojeda's people but which was located within the boundaries of Veragua.<sup>18</sup>

The absence of Ojeda in Española and the expulsion of Nicuesa in March, 1511, cleared the way for the leadership at Santa María of Vasco Núñez de Balboa. Nor was his authority based solely upon the will of the colonists. By September 10 steps had been taken by Governor Diego Columbus at Española to insure Balboa's control at Santa María,<sup>19</sup> a move which Altolaguirre y Duvalé regards as tantamount to the latter's appointment as governor *ad interim*.<sup>20</sup> Soon thereafter, as the result of a succession of events, Balboa came into royal favor. On October 5, the king instructed the appellate justices of Española to institute criminal proceedings against Ojeda,<sup>21</sup> and on December 23, new dispatches having been received in the meantime from the Indies,

<sup>16</sup> Altolaguirre y Duvalé, *Vasco Núñez de Balboa*, Nos. VIII.-IX.

<sup>17</sup> "Capitulacion . . . con Diego de Nicuesa y Alonso de Ojeda," *op. cit.*, XXII. 18.

<sup>18</sup> Bourne, *Spain in America*, pp. 106-108; Altolaguirre y Duvalé, *op. cit.*, Nos. IX.-XVI.; Guardia, *Discovery and Conquest of Costa Rica*, pp. 46-48; Bancroft, *Central America*, I. 292-308, 321-329.

<sup>19</sup> Letter of the king to Diego Colon, January 23, 1512, extract in Altolaguirre y Duvalé, *op. cit.*, No. XXX., note 2: "que fue buen medio el que tomasteis questobiese alli por agora aquel Vasco Nunez de Balboa hasta que se prouea de quien tenga cargo de aquellos".

<sup>20</sup> Altolaguirre y Duvalé, *op. cit.*, Nos. XXX.-XXXI.

<sup>21</sup> "Real provision para que el tribunal de apelacion en la isla Española, proceda contra el gobernador de Uraba Alonso de Hojeda, Bernardino de Talavera y sus complices, por los crímenes, . . ." in Navarrete, *Viages*, III. 120-122. An extract from the same document is in Altolaguirre y Duvalé, *op. cit.*, Nos. XXVII.-XXVIII. In the latter copy the date October 6 is given.

a royal order removed him from his command in Urabá and instructed him to return to court at once.<sup>22</sup> On the same day Balboa was appointed by the king governor and captain *ad interim* of what was termed the "province of Darién,"<sup>23</sup> and Diego Columbus and the other officials of Española were instructed to send supplies to Santa María at once. It is worthy of note, however, that no intimation was given to them of the nature of Balboa's appointment.<sup>24</sup>

Shortly afterward the jurisdiction of Balboa was extended and made more secure in Tierra Firme. On January 17, 1512, the king, apparently unaware of the union of the two groups of colonists, instructed Nicuesa's followers to repair to "Santa María de la Antigua in the province of Darién".<sup>25</sup> Later, on January 31, the king ordered Nicuesa, who at that time was supposed to be at Nombre de Dios, but who had disappeared for all time following his expulsion in March of the preceding year, to leave the province of Veragua, and return to court at once.<sup>26</sup> On the same day instructions were issued to Balboa and the other Spaniards in Santa María to receive and treat well Nicuesa's colonists.<sup>27</sup>

As soon as all opposition in Santa María had been overcome, following the expulsion of Nicuesa, Balboa undertook the exploration and conquest of the country to the northwest. As a result the limits of the colony were considerably increased. But before the facts of Balboa's exploits were made known at court a reaction there had set in against him. In a letter of June 11, 1513, the king notified the colonists "in the pueblo of Darién and in

<sup>22</sup> Altolaguirre y Duvale, *op. cit.*, No. XXIX. and sources therein cited.

<sup>23</sup> "Real cédula nombrando á Vasco Núñez Gobernador interino del Darien," in Altolaguirre y Duvale, *op. cit.*, apéndice 2, p. 9.

<sup>24</sup> See *ante*, note 21.

<sup>25</sup> "Carta á los que están en el asiento de Nicuesa para que se pasen al Darien," in Altolaguirre y Duvale, *op. cit.*, apéndice 3, pp. 9-10.

<sup>26</sup> "El Rey á Diego de Nicuesa ordenándole regrese inmediatamente á España," in *ibid.*, apéndice 5, p. 11.

<sup>27</sup> "Carta á los de la provincia del Darien ordenándoles que hagan buen recibimiento á los que están en el pueblo de Nicuesa cuando allá se pasaren," in *ibid.*, apéndice 6, pp. 11-12.

any other parts whatsoever of the provinces of Urabá and Veragua", that soon a prominent person would be sent to take charge of the government.<sup>28</sup> Shortly afterward, on July 27, the large body of land theretofore called Tierra Firme was thenceforth ordered to be called Castilla del Oro,<sup>29</sup> and the province of Darién was promptly renamed Andalucía la Nueva. At the same time it was expressly stipulated that Castilla del Oro was not to embrace the original province of Veragua, since that came under the jurisdiction of Diego Columbus because of its discovery by his father, nor the land discovered by Pinzón and Solís, nor the province of Paria.<sup>30</sup> As captain-general and governor of Castilla del Oro, with jurisdiction in civil and criminal matters, and with privileges and rights like those exercised by Diego Columbus, Pedrarias Dávila was appointed.<sup>31</sup> The arrival of Pedrarias at Santa María in June, 1514,<sup>32</sup> marked the beginning of an altogether independent colony, after it had been for some time more or less a dependency of Española.<sup>33</sup>

As a result of the discovery of the Pacific by Balboa, prior to the arrival of Pedrarias, interest now shifted to the so-called South Sea, on whose shores it was proposed to build a new town to serve as a base of operations. A line of posts to extend from sea to sea was also projected.<sup>34</sup> Indian hostilities restricted all

<sup>28</sup> "Carta del Rey á los vecinos del Darién anunciándoles el envío de un Gobernador," etc., in *ibid.*, apéndice 10, pp. 27-28.

<sup>29</sup> The term *Castilla aurifera* was applied to this region on August 2 (Instrucción dada por el Rey a Pedrarias Davila . . . " in Navarrete, *Viages*, III. 343; in Altolaquirre y Duvalé, *op. cit.*, apéndice 15, pp. 37-45); but *Castilla del Oro* is the usual form.

<sup>30</sup> "Título de Capitan general y Gobernador de la provincia de Castilla del Oro en el Darién, expedido por el Rey-Católico á Pedrarias Dávila," in Navarrete, *Viages*, III. 337-338. The above document is printed also in Altolaquirre y Duvalé, *op. cit.*, apéndice 13, pp. 31-35.

<sup>31</sup> Navarrete, *Viages*, III. 338-339.

<sup>32</sup> Altolaquirre y Duvalé, *op. cit.*, No. CXI.; Bancroft, *Central America*, I. 394.

<sup>33</sup> Altolaquirre y Duvalé, *op. cit.*, CI.-CIX.

<sup>34</sup> "El Rey comunica á Pedrarias Dávila . . . el descubrimiento de la mar del Sur por Vasco Núñez y le da instrucciones para poblar y seguir los descubrimientos," in Altolaquirre y Duvalé, *op. cit.*, apéndice 23, pp. 53-57 (extract of *ibid.*, in Navarrete, *Viages*, III. 355-357); Bancroft, *Central America*, I. 396, 418; Bourne, *Spain in America*, p. 112.

efforts in those directions, after two years, to the region west of the Río Grande del Darién, and the Gulf of Urabá.<sup>35</sup> During this period the isthmus was crossed several times and the region as far west as Panamá was explored.<sup>36</sup>

In the meantime, however, the king had rewarded Balboa for his services. A royal *cédula* of September 23, 1514, named him *adelantado* of the South Sea and of the government of the provinces of Panamá and Coiba.<sup>37</sup> These provinces were declared to be in the newly discovered lands which sloped toward the South Sea from the crest of the mountains lying along the northern coast of Veragua.<sup>38</sup> Within these districts Balboa was given the powers of governor and judge, though subject to Pedrarias.<sup>39</sup> The settlement of internal disputes, following Balboa's appointment, gave promise of the rapid exploration and settlement of the southern region, especially Perú.<sup>40</sup> However, the execution of Balboa by the jealous Pedrarias in 1519 (not in 1517 as is generally stated)<sup>41</sup> checked these plans. But interest in the southern

<sup>35</sup> During this period there were several expeditions up the Río del Darién, or Atrato River, and at least one attempt was made to explore the region to the east of it (Bancroft, *op. cit.*, I. 407; 417-418).

<sup>36</sup> Bancroft, *op. cit.*, I. 420, *et seq.*

<sup>37</sup> " . . . nuestro adelantado de la mar del Sur que vos descubristeis e de la gobernacion de las provincias de Panama y Coiba" ("Real *cédula* nombrando á Vasco Núñez de Balboa Adelantado de la mar del Sur," etc., in Altolaguirre y Duvalé, *Vasco Núñez de Balboa*, apéndice 29, pp. 63-64). Other *cédulas* issued on the same day referred to Balboa as *adelantado de la Costa del Sur* (see Altolaguirre y Duvalé, *op. cit.*, pp. 59-65).

<sup>38</sup> "Real *cédula* á los vecinos de las provincias de Panamá y Coiba participándoles haber nombrado Gobernador de ellas á Vasco Núñez de Balboa," in Altolaguirre y Duvalé, *op. cit.*, apéndice 25, p. 59.

<sup>39</sup> *Ibid.*; "Real *cédula* a Pedrarias Dávila participándole haber nombrado Adelantado de la mar del Sur . . . ," in Altolaguirre y Duvalé, *op. cit.*, apéndice 26, p. 61; "Real *cédula* nombrando á Vasco Núñez de Balboa Adelantado . . . ," in *ibid.*, apéndice 29, p. 64.

<sup>40</sup> Fiske, *Discovery of America*, II. 379-384.

<sup>41</sup> A number of historians place the execution of Balboa in 1517. Among these are Herrera (*Historia General de los Hechos de los Castellanos en las Islas i Tierra Firme* [Madrid, 1601-1615], dec. ii., lib. ii., cap. xxii.); Bancroft (*Central America*, I., ch. XII.-XIII.); Helps (*The Spanish Conquest in America* [Oppenheim ed.], I. 302, note 2); Pascual de Andogoya (*Narrative of the Proceedings of Pedrarias Dávila* . . . [Markham trans.], in *Hakluyt Society Publications*, 1st. ser., XXXIV. note 2, p. 22; and Bourne, *Spain in America*, p. 111. But from an origi-



regions was still paramount and on January 27, 1519, Pedrarias formerly took possession, in the king's name, of the Sea of the South.<sup>42</sup> In August, 1519, the town of Panamá was founded and the capital moved there from Santa María by Pedrarias. At the end of the same year Nombre de Dios was founded, by order of Pedrarias, and became the northern terminus of the road across the isthmus.<sup>43</sup>

The founding of Panamá and Nombre de Dios marked the culmination of northwestward expansion on the mainland from Santa María as a base. However, from Panamá the movement continued by way of the southern coast, and by 1524, as a result of the selfish desire of Pedrarias to follow up with actual settlement the northwestward explorations of Niño and Gil González Dávila, made during the years 1522 and 1523, as well as

nal document in the Archives of the Indies published in *Col. Doc. Inéd.*, II. 556-558, and later, in 1914, by Altolaguirre y Duvalé (*Vasco Núñez de Balboa*, apéndice 62, p. 156) it is evident that Balboa was still busy with his plans on the South Sea as late as January 13, 1518, for on that date Hernando Arguello, one of the men later executed with Balboa, presented in the latter's name a petition to Pedrarias and the other officials at Santa María de la Antigua del Darién, asking for more time in which to comply with instructions concerning the proposed exploration in the south. The petition was granted on the same day by Pedrarias and the other officials, Balboa and his associates being allowed four more months in which to make the exploration.

From another document in the Archives of the Indies also published by Altolaguirre y Duvalé (*ibid.*, apéndice 66, pp. 172-179) it is evident that by January 12, 1519, sentence had been passed on Balboa, for on that day the *licenciado* Espinosa officially inquired of Pedrarias whether or not he would allow Balboa to appeal from his sentence. In his reply Pedrarias refused to consider the appeal and ordered that Balboa and four of his associates should be executed without any further delay. This document was dated in the Villa de Acla on January 12, 1519. It definitely established the fact that Balboa was executed at least two years later than generally has been thought.

For further information concerning the execution of Balboa consult the following: Oviedo y Valdés, *Historia General y Natural de las Indias*, lib. xxix., cap. xii.; Altolaguirre y Duvalé, *Vasco Núñez de Balboa*, CLXXXIV.-CLXXXV.; Guardia, *Discovery and Conquest of Costa Rica*, pp. 66-67.

<sup>42</sup> "Testimonio de un Acto de posesion que tomó el gobernador Pedrarias Dávila, en nombre de SS. MM., en la costa del sur, del señorío de aquellos dominios," in *Col. Doc. Inéd.*, II. 549-556. The same document is printed in Altolaguirre y Duvalé, *op. cit.*, apéndice 67, pp. 179-183.

<sup>43</sup> Andagoya, *Proceedings of Pedrarias Dávila* (Markham trans.), in *Hakl. Soc. Pub.*, 1st. ser., XXXIV. 23.

to forestall the like ambitions of the latter explorer, the towns of Bruselas, Granada, and León were founded.<sup>44</sup> Of these León, located about half-way between Lake Nicaragua and the Gulf of Fonseca, marked the northern limit of Spanish advance from Panamá before opposition was encountered from other Spaniards operating in the same region.

## II. FLORIDA, AMICHEL, AND RIO DE LAS PALMAS, 1512-1528

Prior to the arrival of Pedrarias in Castilla del Oro expansion from Española resulted in the occupation of the islands of Santiago (Jamaica), Porto Rico, and Fernandina (Cuba). From the West Indies, as a base of operations, attempts were now made to establish political jurisdictions, though with vague and indefinite limits, in the Gulf and lower Atlantic regions. This movement began with Juan Ponce de León, to whom as early as 1512, or 1514,<sup>45</sup> authority was given to settle the "Island" of Florida, which he had previously discovered. Ponce's attempt in 1521 to establish a colony on the west coast of the peninsula was a failure, but the name Florida continued to be applied to the region discovered by him.

In 1519, Alonso de Pineda, while in the service of Francisco de Garay, captain of the island of Santiago, coasted along the mainland from Florida to Vera Cruz. To that part of the Gulf coastal region explored for the first time by Pineda, namely, the region lying between the western limit of Ponce's explorations in Florida and the northernmost point to which Diego Velázquez, governor of Fernandina, laid claim through the explorations of Grijalva and Cortés (approximately from Appalachee Bay to Tampico), was given the name Amichel.<sup>46</sup> In 1521, Garay was authorized to

<sup>44</sup> López de Velasco, *Geografía y Descripción Universal de las Indias, Recopilada por el Cosmógrafo-Cronista Juan López de Velasco desde el año de 1571 al de 1574* (Madrid, 1894), pp. 316-322.

<sup>45</sup> Lowery, *The Spanish Settlements within the present limits of the United States, 1513-1561* (New York, 1911), p. 146; "Con el Dicho Joan Ponce sobre la dicha Ysla Beniny," in *Col. Doc. Inéd.*, XXII, 33-37.

<sup>46</sup> "Real cédula dando facultad á Francisco de Garay para poblar la provincia de Amichel . . ." in Navarrete, *Viages*, III, 147-148. See also "Traza de las costas de Tierra-Firme y de las Tierras Nuevas," in *ibid.*, and "Section of Hernando Colon's Map of America, 1527, No. 38 of the Kohl Collection," in Lowery, *op. cit.*, p. 146.

settle the province of Amichel. At the same time instructions were given to Cristóbal de Tapia to determine the eastern and southern limits of the province.<sup>47</sup> No record that such was done is available. In July, 1523, Garay attempted to establish a colony within that part of Amichel which lay between the Río de las Palmas (Río Grande) and the Río Pánuco, and which afterward was given the name Vitoria Garayana.<sup>48</sup> Misfortune attended his efforts, however, and before the end of the year Garay himself became virtually a prisoner of Cortés in the City of Mexico, where he died soon afterward.<sup>49</sup>

On June 12, 1523, Lucas Vázquez de Ayllon was named *adelantado* and governor of a vast and vaguely defined region lying north of Florida,<sup>50</sup> to which claims had been established in 1521. A scouting expedition sent out from Santo Domingo in 1525 was followed the next year by Ayllon with over five hundred colonists. The settlement of San Miguel de Gualdape, established on the Atlantic Coast in about 33°, met with reverses, and after the death of Ayllon in October the colonists departed for Santo Domingo. Of the original number only about one-third ever reached the island.<sup>51</sup>

The exploration of Esteban Gómez along the east coast as far as Nova Scotia in 1525, tended to discourage further undertakings in those regions because neither gold nor a strait to the South Sea was found.<sup>52</sup> Florida continued to attract, however, and on December 11, 1526, Pánfilo de Narváez secured the right to explore, conquer, and settle the country between the Río de las

<sup>47</sup> "Real cédula dando facultad á Francisco de Garay . . .", in Navarrete, *Viajes*, III. 148-149.

<sup>48</sup> "Lo que el Licenciado Luis Ponce de Leon, Juez de Residencia de la Nueva España, ha de hacer en el dicho cargo . . . ." in *Col. Doc. Inéd.*, XXIII. 370.

<sup>49</sup> Lowery, *op. cit.*, p. 153; Bancroft, *Mexico*, II. 105-116; Herrera, *Historia General*, dec. iii., lib. v., cap. v.-vi.

<sup>50</sup> "Real cédula que contiene el asiento capitulado con Lúcas Vazquez de Aillon para proseguir el descubrimiento principiado con buques suyos y de otros por los 35° a 37° N.-S. de la isla Española . . . ." in Navarrete, *op. cit.*, III. 153-160; *ibid.*, in *Col. Doc. Inéd.*, XXII. 79-93; "Section of Hernando Colon's Map of America, 1527", *loc. cit.*

<sup>51</sup> Lowery, *op. cit.*, pp. 153-157, 160-168; Bourne, *Spain in America*, pp. 138-140.

<sup>52</sup> Lowery, *op. cit.*, pp. 168-169; Bourne, *op. cit.*, pp. 140-142.

Palmas and the Cape of Florida.<sup>53</sup> To this region, comprising the northern part of the original province of Amichel granted to Garay in 1521, was now given the name Río de las Palmas.<sup>54</sup> In 1527 Narváez with three hundred soldiers and colonists, thinking that they were in the vicinity of the Río de las Palmas, landed on the west coast of Florida and set forth upon an undertaking in which all but five eventually lost their lives.<sup>55</sup> For more than ten years following the Narváez disaster the east Gulf and lower Atlantic regions were neglected.

### III. THE FOUNDING OF NEW SPAIN, 1519-1525

(1) *The Overthrow of the Aztecs, and the Extension of the Conquest, 1519-1523.*—While the isthmus was being explored and colonized from Santa María and Panamá, and while attempts were being made to establish settlements on the Gulf and Atlantic coasts, further colonization on the mainland was effected by way of a new line of approach. This latter movement was fostered, in its initial stages, by Diego Velázquez, the conqueror and insurgent governor of Cuba. With Hernando Cortés, a wealthy and popular *alcalde ordinario* of the island, Velázquez concluded an agreement by the terms of which a force of four hundred men was to be raised; ten ships were to be contributed—seven by Cortés, and three by Velázquez; and Cortés was to be made captain-general of an expedition to the mainland.<sup>56</sup> Official responsibility

<sup>53</sup> "Asiento y Capitulación que tomó el Emperador con Panfilo de Narvaez vecino de la Ysla fernandina para el descubrimiento conquista y poblacion de las tierras que hay desde el Rio de las Palmas hasta el Cavo de la florida en Granada á 11 de Dizi. re de 1562. " [title in Lowery, *op. cit.*, p. 173], in *Col. Doc. Inéd.*, XVI. 67-87.

<sup>54</sup> Herrera, *Historia General*, dec. iv., lib. iv., cap. ii.

<sup>55</sup> Hodge, "The Narrative of Alvar Núñez Cabeza de Vaca" in *Spanish Explorers in the Southern United States, 1528-1543* (New York, 1907).

<sup>56</sup> "Memorial presentado al Real Consejo por Don Martín Cortés de Monroy, padre de Hernán Cortés, en nombre de su hijo.—presentado por Marzo de 1520," in Father M. Cuevas (editor), *Cartas y Otros Documentos de Hernán Cortés Novisimamente Descubiertos en el Archivo General de Indias* (Sevilla, 1915), p. 1; "Relacion del descubrimiento y conquista de Nueva España, hecha por la Justicia y Regimiento de la nueva ciudad de Vera-Cruz, á 10 de julio de 1519," in *Colección de Documentos Inéditos para la Historia de España* (Madrid, 1842-1895), I. 419, 431.

for the expedition was, at the outset, assumed by Velázquez;<sup>57</sup> the men were outfitted and more than two-thirds of the total cost was assumed by Cortés.<sup>58</sup> But as the result of a break between the two when Cortés left Cuba in February, 1519, with between five hundred and six hundred followers, he did so in open defiance of the governor's orders. Finally, San Juan de Ulua was reached in April, 1519, and soon afterward, despite the later assertion of Cortés that the expedition had been undertaken solely for trading purposes,<sup>59</sup> Villa Rica de la Vera Cruz was founded. A municipal organization was effected there, and Cortés was chosen by the settlers governor and chief justice of the land.<sup>60</sup> In the memorial setting forth these facts and presented to the crown on March 20, 1520, Cortés asked that the above titles be conferred officially upon him until the conquest might be completed and the country settled.<sup>61</sup> Before this, however, plans had been formulated and were under way for the overthrow of the empire of the Montezumas, with its capital located inland at Tenochtitlan (Mexico). The steps by which this ambition was realized are well-known.<sup>62</sup>

After the overthrow of the Aztec capital, two years elapsed before Cortés received for his conquests the approbation of the crown in the form of a commission as governor and captain-general of New Spain. But while, theoretically, there was lacking during this time, as during the preceding two years, legal authority for such action, conquest and settlement went on apace, the result being that when Cortés's commission did finally

<sup>57</sup> "Instrucción que dió el adelantado Diego Velasquez á Hernan Cortés . . . in *Col. Doc. Inéd.*, XII. 226-245.

<sup>58</sup> "Memorial presentado al Real Consejo por Don Martín Cortés de Monroy, . . . " *loc. cit.*, pp. 1-2; "Relacion del descubrimiento y conquista de Nueva España," *loc. cit.*, I. 431-432.

<sup>59</sup> "Memorial presentado al Real Consejo por Don Martín Cortés de Monroy, . . . " *loc. cit.*, p. 2. In the "Relacion del descubrimiento y conquista de Nueva España, . . . " (*loc. cit.*, I. 447-448) the statement is made that at the instance of members of the expedition Cortés was induced to abandon his original plans and to consent to the founding of a settlement.

<sup>60</sup> "Memorial presentado al Real Consejo por Don Martín de Monroy . . . ," *loc. cit.*, p. 2: *Gouvernador e Justicia mayor de la dicha tierra.*

<sup>61</sup> *Ibid.*, pp. 4-5.

<sup>62</sup> See MacNutt, *Fernando Cortés*, p. 104, *et seq.*; Bourne, *Spain in America*, pp. 149-157.

arrive the new jurisdiction over which he was made governor embraced a conquered region of no mean extent. In the course of the campaign to recapture the City of Mexico, the town of Segura de la Frontera, in the province of Tepeaca, had been founded, and with the final establishment of the Spaniards in Mexico expeditions were sent out in rapid succession to explore and to establish other settlements. Southeast, to the province of Tuxtutepeque, even before the rebuilding of the City of Mexico, Sandoval was sent in October, 1521. There, seventy leagues distant from Mexico, he founded the *villa* of Medellín, the third town to be peopled by Spaniards, and later the town of Espíritu Santo, fifty leagues distant from Medellín and four leagues from the mouth of the Coatzacoalcos River.<sup>63</sup> At the same time Orozco and Alvarado were effecting the conquest of Guaxacaque, or Oaxaca, and the country as far south as Tehuantepec and Tututepec. The town of Antequera was founded by Orozco, and in 1522 Alvarado removed Segura de la Frontera to the same province.<sup>64</sup>

In May, 1522, Olid was sent west to conquer and to settle Michoacan. Discontent among the settlers at Tzintzuntzan after the natives had submitted, however, resulted in the temporary abandonment of the province. In the meantime the discovery of a good harbor on the South Sea had resulted in the founding by Villafuerte of a colony on the Río Zacatula, forty leagues from Tzintzuntzan and about ninety leagues from Mexico. Thither some of the discontented settlers in Michoacan were ordered, but *en route*, having turned north into Colima, they suffered severe reverses. To strengthen the Spanish hold upon the entire southwest, Cortés now sent reinforcements to that region. The province of Michoacan, where a municipality was founded, was reoccupied, and on the South Sea the town of Zacatula was formally established and municipal officers installed. Zacatula, with a dockyard, and ships in the process of building, now became the

<sup>63</sup> Cortés, "Third Letter", in *letters of Cortés* (MacNutt, ed., New York, 1908), II. 133-135; "Fourth Letter", in *ibid.*, 159-161.

<sup>64</sup> Cortés, "Fourth Letter", in *ibid.*, 163-164; Bancroft, *Mexico*, II. 38, 42; Herrera, *Historia General*, dec. iii., lib. iii., caps. xi., xii., xviii.

base of operations in the west. From there was effected the conquest of Colima, where before the end of 1522 the town of Colima was founded.<sup>65</sup>

In 1522, after the discomfiture of Tapia, who, at the instigation of Cortés's enemies, was sent by the king's representative to take charge of the newly conquered regions, Cortés led an expedition northeastward to the native province of Pánuco. His chief purpose in so doing, aside from extending the conquest, was to establish superior claims on that region to any that Francisco de Garay might make on the basis of Juan de Grijalva's explorations in 1518. This Cortés accomplished by establishing, before the end of the year, in spite of obstinate Indian resistance, the municipality of San Esteban del Puerto, located near the mouth of the Pánuco River.<sup>66</sup>

(2) *Conquests of Cortés as Governor and Captain-general of New Spain, 1523-1525.*—The receipt by Cortés, about the middle of the year 1523, of his commission as governor and captain-general of New Spain,<sup>67</sup> was at once followed by plans for extending the now legal conquest into the more alluring and strategically important regions to the south. These plans were delayed, however, by the activities of Garay in the Pánuco region. Garay's

<sup>65</sup> For the operations in the west in 1522 see: Cortés, "Fourth Letter", in *Letters of Cortés*, MacNutt, II. 161-162; Herrera, *Historia General*, dec. iii., lib. iii., caps. xi., xvii.; Bancroft, *Mexico*, II. 51-64.

<sup>66</sup> Herrera, *Historia General*, dec. iii., lib. iii., cap. xviii.; Bancroft, *Mexico*, II. 95-100. Juan López de Velasco. *Geografía y Descripción Universal de las Indias*, p. 198.

<sup>67</sup> The order naming Cortés governor and captain-general of all the land and provinces of New Spain and of the City of Temistlan was issued on October 15, 1522. The term New Spain, however, as used in this document is quite indefinite, as for instance: "las tierras e provincias de Aculhuacan e San Xoan de Olua, llamada la Nueva España donde está la gran Laguna en que está edificada la gran Cibdad de Temistlan (Mexico)". ("Real cédula nombrando gobernador y capitan general de Nueva España a Hernando Cortés, y dandole instrucciones para el gobierno de la misma," in *Col. Doc. Inéd.*, XXVI. 59-64). On the same day, October 15, the king's instructions were issued to Cortés. In this document occurs a similar vague statement concerning New Spain: "Hernando Cortés Nuestro Gobernador e capitan General de la Nueva España llamada Aculbacan e Olua ("Treslado de una cédula de S. M. a Hernando Cortés, dandole instrucciones acerca del tratamiento y cuidado con los Indios de su gobernacion," in *ibid.*, 65-70).

death in December of that year, however, and the suppression of an Indian uprising in Pánuco by Sandoval, brought the province, together with the remnant of Garay's forces, under the unquestioned control of Cortés. By December 6, 1523, Cortés was able to dispatch Alvarado overland with a large force to the country beyond Tehuantepec, and on January 11, 1524, to send Cristóbal de Olid with six vessels and several hundred men from San Juan, to prosecute, by way of the east coast, another southern campaign, simultaneous with that of Alvarado further west.<sup>68</sup> Alvarado encountered desperate but futile resistance from the Indians and by the end of July, 1524, the town of Quezaltenango, a fort at Atitlan, and the municipality of Santiago de los Caballeros de Guatelala had been established within the present limits of Guatemala, while beyond the La Paz River Alvarado had led an expedition far into the interior of what is now San Salvador. Indian revolts resulted in the temporary abandonment of Santiago, but *encomiendas* were granted, as elsewhere, and the Spanish occupation of Guatemala was definitely effected.<sup>69</sup> In the east, as will be seen, complications delayed the final outcome.

At the same time that lieutenants of Pedrarias and Cortés were respectively pushing north and south from Panamá and from Mexico, the colonization of the rapidly narrowing region in between was attempted by way of a new and third line of approach. In that year Gil González Dávila,<sup>70</sup> driven from Panamá by his rival Pedrarias, organized at Santo Domingo an expedition which it was his purpose to lead overland from the east coast of the mainland, in case no strait could be found, to the regions discovered by himself and Niño in 1522-1523, and there,

<sup>68</sup> Bancroft, *Mexico*, II. 126-127; *Central America*, I. 522-526, 625-627.

<sup>69</sup> Bancroft, *Central America*, I. 627, *et seq*; Moses, *The Establishment of Spanish Rule in America* (New York, 1898), pp. 82-83.

<sup>70</sup> Bancroft (*Central America*, I. 517-518) states that upon his arrival at Santo Domingo Gil González sent his treasurer, Cereceda, to intercede with Charles V. for permission to make the expedition, that the emperor granted the request, but that before Cereceda could return, González, with the sanction of the *audiencia* of Santo Domingo, started for the mainland. According to Guardia (*Discovery and Conquest of Costa Rica*, p. 96) Gil González did not leave Santo Domingo until Cereceda returned.



on Lake Nicaragua, to establish a colony. Sailing too far to his right, González landed on the north coast of Honduras where in the spring of 1524 he founded the colony of San Gil de Buenavista. In attempting to find a route from there to Nicaragua González clashed with soldiers of Córdoba, a lieutenant of Pedrarias, operating from the new town of León. Before the outcome was finally decided, however, the situation was further complicated by the arrival of Olid from Mexico. Landing not far from San Gil de Buenavista, Olid cast off his allegiance to Cortés and founded for himself the town of Triunfo de la Cruz. In time he made captive not only González but also Francisco de las Casas, sent by Cortés to arrest him, only shortly afterward to be assassinated by his two captives. Las Casas now became master of the situation for Cortés, but soon departed for Mexico, by way of Guatemala, whither he carried González as prisoner.<sup>71</sup> The latter's colonists were allowed to found a new settlement at Nito,<sup>72</sup> and in May, 1525, Triunfo de la Cruz having been abandoned by Cortés's colonists, the municipality of Trujillo was founded by them.<sup>73</sup> For a brief while, due to the exigencies of the situation the colonists there transferred their allegiance to the Audiencia of Santo Domingo,<sup>74</sup> which at the same time was bidding for Córdoba to revolt from Pedrarias and place Nicaragua under its jurisdiction,<sup>75</sup> as would doubtless have been the situation had Gil González met with better success. The arrival of Cortés himself, however, by way of lower Vera Cruz and the Tabasco country

<sup>71</sup> Bancroft, *Central America*, I. 518-533; Guardia, *Discovery and Conquest of Costa Rica*, pp. 95-98.

<sup>72</sup> Bancroft, *Central America*, I. 535, 565.

<sup>73</sup> "Testimonio de la Posesion y Fundacion que Hizo el Capitan Francisco de las Casas, á nombre de Hernando Cortés, del Puerto, Asiento y Villa de Trujillo," etc. in *Col. Doc. Inéd.*, XIV. 44-47.

<sup>74</sup> During the administration of Diego Columbus a superior court had been established at Santo Domingo to hear appeals from the governor. From this court there later developed the Audiencia of Santo Domingo, which for a time had administrative jurisdiction over a large part of the Indies. This *audiencia* which was formally established by a decree of September 14, 1526, had, besides other officials, a president, four judges, and a *fiscal* (Bourne, *Spain in America*, pp. 227-228; Bancroft, *op. cit.*, I. 269).

<sup>75</sup> Bancroft, *op. cit.*, I. 578.

resulted in both groups of colonists in Honduras coming under his immediate control. At once Cortés began readjusting the settlements and making preparations for extending, with the coöperation of Alvarado, the conquest into Nicaragua,<sup>76</sup> where Córdoba, who by now had revolted from Pedrarias, was to be dealt with.

The situation in Mexico, however, thwarted these plans. There discord and strife developed immediately after the departure of Cortés on October 12, 1525. Futile attempts on his part to compose the situation from a distance were followed by reports of new differences which had arisen between the officials left in charge at Mexico.<sup>77</sup> Finally, in the *villa* of Trujillo, on January 3, 1526, Cortés was induced to take drastic measures to meet the internal situation. On that day all previous commissions—political, military, and judicial—were revoked by him, and Francisco de las Casas was appointed as Cortés's sole personal lieutenant, to function in that capacity in all the prerogatives of governor, captain-general, and chief justice of all New Spain.<sup>78</sup> Cortés's own presence in the capital, however, proved to be more essential than the Nicaragua campaign, and in April, 1526, he sailed from Honduras for Vera Cruz, leaving Hernando de Saavedra as his lieutenant-governor and captain-general in the newly conquered regions.<sup>79</sup>

During Cortés's absence in Honduras, despite the discord among his lieutenants at Mexico and the incident native out-

<sup>76</sup> Guardia, *op. cit.*, p. 100; Bancroft, *op. cit.*, II. 76.

<sup>77</sup> "Nombramiento de justicia mayor, capitán general y gobernador ad interim de la Nueva España, otorgado por Hernan Cortés a favor de su primo Francisco de las Casas," in Cuevas, *Cartas y Otros Documentos*, pp. 8-10; "Memorial de lo ocurrido en Méjico desde la salida de Hernan Cortés hasta la muerte de Rodrigo de Paz, 1526," in Pascual de Gayangos (editor), *Cartas y Relaciones de Hernan Cortés al Emperador Carlos V* (Paris, 1866), p. 581 *et seq.*; "Carta de Hernan Cortés al Emperador, Mejico 3 de Setiembre de 1526" [translation in MacNutt, *Letters of Cortés*, II. 229-355], in Gayangos, *op. cit.*, p. 396, *et. seq.* The latter communication incorrectly gives 1524 as the year of Cortés's departure from Mexico for Honduras.

<sup>78</sup> "Nombramiento de justicia mayor, capitan-general y gobernador ad interim," *ect.*, *loc. cit.*, pp. 11-13.

<sup>79</sup> Bancroft, *Central America*, I. 580-582; "Instrucciones Ineditos, Dadas á Hernando de Saavedra, lugar-teniente de Gobernador y Capitan General en las villas de Trujillo y la Natividad de Ntra. Señora en Honduras", in *Escritos Sueltos de Hernan Cortés* (Mexico, 1871) pp. 86-95.

breaks in some of the subject provinces, the conquest of Tabasco had been effected for him by Captain Gallegos, who in 1525, founded near the mouth of the Rio Tabasco the *villa* of Nuestra Señora de la Victoria.<sup>80</sup>

#### IV. POLITICAL READJUSTMENTS ON THE MAINLAND, 1525-1535

(1) *The Creation of New Jurisdictions.*—With the conquest of Tabasco, New Spain, as established by Cortés, reached its greatest extent. In area it now stretched from Colima to Salvador, in the west, and from Pánuco to Honduras, in the east. Before this time, however, forces were at work that were to result in the political readjustment of the Spanish colonies on the mainland. For reasons of administrative efficiency it had been decided by the court of Spain to limit the size of independent jurisdictions in the new world and to divide into smaller units the larger ones already established there. It was in conformity with this policy that Córdoba in Nicaragua had been encouraged by the Audiencia of Santo Domingo to revolt from Pedrarias,<sup>81</sup> governor of Castilla del Oro, and in 1525 the division and delimitation of New Spain was begun. Prior to November 4 of that year Nuño de Guzmán had been named governor of Pánuco and Vitoria Garayana, to succeed the deceased *adelantado*, Francisco de Garay.<sup>82</sup> The arrival of Guzmán at his capital, San Esteban del Puerto, on May 20, 1527, was almost immediately followed by a boundary contest with the authorities of New Spain that was to last until the intervention in 1528 of the first Audiencia.<sup>83</sup> On November 25, 1525, the various claims to Honduras were ignored and Diego López de Salcedo was appointed royal governor.<sup>84</sup> The next year, on December 8, Francisco de Montejo, a former

<sup>80</sup> Herrera, *Historia General*, dec. iii., lib. vii., cap. iii.; Bancroft, *Mexico*, II. 226.

<sup>81</sup> Bancroft, *Central America*, I. 597-598.

<sup>82</sup> "Lo que el Licenciado Luis Ponce de Leon, Juez de Residencia de la Nueva España, ha de hacer en el dicho cargo," etc., in *Col. Doc. Inéd.*, XXIII. 370.

<sup>83</sup> Bancroft, *Mexico*, II. 262-264 and 272-279.

<sup>84</sup> "Traslado testimoniado de una cédula del Emperador Carlos V y de Doña Juana su madre, nombrando á Diego Lopez de Salcedo por gobernador del Golfo de las Higueras," etc., in *Col. Doc. Inéd.*, XIV. 47-52.

lieutenant of Cortés, was given the right to conquer and settle at his own expense Yucatán and Cozumel, both of which had been touched by Cortés on his voyage from Cuba to Mexico. By Montejo's commission he was named governor and captain-general for life, and for himself and his heirs he was given the title and honors of *alguacil mayor* and *adelantado*.<sup>85</sup> Montejo sailed from Spain for his new possessions in 1527, and the next year founded a fort and settlement at Salamanca on the east coast of Yucatán.<sup>86</sup> Serious opposition from the natives, however, prevented the conquest from being completely effected until 1549. In 1527 New Spain suffered one of its greatest losses, when, by orders of the king, Guatemala was made a separate and independent jurisdiction, and the governorship and captaincy-general bestowed upon the man who had conquered the country, Pedro de Alvarado.<sup>87</sup>

(2) *The Establishment of the Audiencia and of the Vice-royalty of New Spain*.—While New Spain, as founded by Cortés, was undergoing this political transformation, the great conqueror himself was rapidly losing his power. The complaints of his many enemies finally resulted in the appointment by the king of Luis Ponce de León as *juez de residencia* of Cortés's conduct in office. With the institution of this *residencia* on July 4, 1526,<sup>88</sup> Cortés was barred from the exercise of judicial powers,<sup>89</sup> but was neither sus-

<sup>85</sup> "Capitulación celebrada en Granada, á 8 de diciembre de 1526, entre Carlos V y Francisco de Montejo, para la conquista y colonización de Yucatán," in Ancona, *Historia de Yucatán* (Barcelona, 1889), I. apéndice: Documento Número 2, 390-396.

<sup>86</sup> Bancroft, *Mexico*, II. 435.

<sup>87</sup> Herrera, *Historia General*, dec. iv., lib. ii., cap. iii.; Bancroft, *Central America*, II. 101-102; Bancroft, *Mexico*, II. 276.

<sup>88</sup> "Acta en que se dá cuenta de la provision de S. M. para que se tome residencia a Hernando Cortés y sus oficiales; por el licenciado Ponce de Leon," in *Col. Doc. Inéd.*, XXVI. 195.

<sup>89</sup> Ponce does not appear to have assumed any powers other than judicial. An official document issued a few days before his death refers to him only as *juez de residencia y justicia mayor de esta Nueva España* ("El licenciado Ponce de Leon, confiere, por enfermo, sus poderes, al licenciado Marcos de Aguilar," in *Col. Doc. Inéd.*, XXVI, 226-227). In a royal *cédula* of March 16, 1527, reference is made to "la dha Governacion de Just. a" formerly held by Ponce (Royal *cédula* in *Libro de Cabildo; Copia de la Mayor Parte*, MS., Bancroft Collection, p. 203).

pended as captain-general, nor relieved of the management of the Indians.<sup>90</sup> Upon the death of Ponce on July 20, and the abrupt interruption of the *residencia*, Marcos de Aguilar, to whom had been entrusted the staff of justice on July 16,<sup>91</sup> assumed governmental powers in the administration of both civil and criminal justice.<sup>92</sup> On September 5, Aguilar who maintained that the instructions to Ponce deprived Cortés of all powers whatsoever, called upon the latter to explain why he continued to give and to take Indians in *repartimiento*.<sup>93</sup> This drew from Cortés a vigorous reply, which in turn, was followed by a peremptory demand from Aguilar for Cortés not only to cease giving Indians in *repartimiento*, but to desist from functioning as captain-general.<sup>94</sup> Cortés promised to obey the order; a week later, aggrieved, he appealed to the king for justice.<sup>95</sup>

<sup>90</sup> "Acta en que se dá cuenta de la provision de S. M. para que se tome residencia a Hernando Cortés y sus oficiales; por el licenciado Ponce de Leon," *loc. cit.*, 197; "Testimonio del requerimiento y mandamiento que el licenciado Marcos de Aguilar intimó a Hernán Cortés a fin de hacerle renunciar el cargo de capitan general de la Nueva España y de la repartición de los Indios. Respuesta y renuncia de Hernán Cortés. Mexico 5 de Septiembre de 1526," in Cuevas, *op. cit.*, p. 18; "Carta de Hernando Cortés á Su Magestad . . . Temiztitan, 11 de Setiembre de 1526," in *Col. Doc. Inéd.*, XII. 476: "el dicho Luis Ponce no me habia suspendido el cargo de capitan general, ni la administracion ni encomienda de los indios."

<sup>91</sup> "El licenciado Ponce de Leon, confiere, por enfermo, sus poderes, . . . ," *loc. cit.*, XXVI. 226-228.

<sup>92</sup> " . . . la gobernacion de la justicia civil y criminal por Vuestra Magestad" ("Carta de Hernan Cortés á su Magestad, . . . 3 de Setiembre de 1526," in *Col. Doc. Inéd.*, XII. 484, and *Escritos Sueltos de Hernan Cortés*, III). Bancroft, *Mexico*, II. 251) states that Aguilar was received as governor on August 26. This, however, seems to be an erroneous inference since in the documents available the only title applied to Aguilar up to the time of his death, and even afterward, was that of *justicia mayor* (*Libro de Cabildo: Copia de la Mayor Parte*, pp. 148, 155, 186; "Testimonio del requerimiento y mandamiento que el Licenciado Marcos de Aguilar intimó a Hernán Cortés a fin de Hacerle renunciar el cargo de capitan general de la Nueva España y de la repartición de los Indios. Respuesta y renuncia de Hernán Cortés," in Cuevas, *op. cit.*, pp. 15-16; etc.).

<sup>93</sup> "Testimonio del requerimiento y mandamiento que el licenciado Marcos de Aguilar intimó a Hernán Cortés, . . . " in Cuevas, *op. cit.*, pp. 16-20, and *Col. Doc. Inéd.*, XXVI. 238-239.

<sup>94</sup> *Ibid.*

<sup>95</sup> "Carta de Hernando Cortés á su Magestad" [September 11, 1526], in *Col. Doc. Inéd.*, XII. pp. 476-479.

Following the death of Aguilar the *cabildo* in Mexico on March 1, 1527, conferred the powers of *justicia mayor* jointly upon Alonso de Estrada and Gonzalo de Sandoval, with the reservation that they were not to make any rulings concerning the administration of Indian affairs and matters connected with the captaincy-general without the concurrence and advice of Cortés.<sup>96</sup> Seventeen days later a royal *cédula* issued at Valladolid conferred upon the then defunct Aguilar, or upon his appointee, the government of the land and the administration of justice, but withheld the powers of *juez de residencia*. In the same *cédula* it is worthy of note that Cortés was referred to as captain-general, though all captains and all other people were instructed to receive Aguilar, or his successor, as royal governor of the land.<sup>97</sup> Upon the arrival of this *cédula* in Mexico Estrada was received by the *cabildo* on August 22, as the legal successor of Aguilar.<sup>98</sup>

During the incumbency of both Aguilar and Estrada Cortés's plans for exploring on the South Sea were interfered with, and he himself, after being suspended from his captaincy-general, was for a while exiled.<sup>99</sup> As a result of these internal disorders and the contest with Guzmán expansion now came to a standstill. On March 6, 1528, Cortés entrusted his property and affairs to his *mayordomo*, Francisco de Santa Cruz,<sup>100</sup> soon afterward, disheartened, he returned to Spain to plead his case at court, and to advocate measures for the extension of the conquest.

Before the arrival of Cortés in Spain, however, the king had provided for the establishment on the mainland of an *audiencia* similar to that of Santo Domingo. According to a royal *cédula* issued on December 13, 1527,<sup>101</sup> New Spain and its prov-

<sup>96</sup> *Libro de Cabildo: Copia de Mayor Parte*, p. 187.

<sup>97</sup> Royal *cédula* in *ibid.*, pp. 200-201.

<sup>98</sup> " . . . dixeron q recibian e recibieron al dho Sor Tesorero Alonso de Estrada a la dha Governacn. e Administracn de la Justicia de esta Na. Espa." (*Libro de Cabildo: Copia de Mayor Parte*, p. 203).

<sup>99</sup> Bancroft, *Mexico*, II. 261-262.

<sup>100</sup> "Encargos de Hernán Cortés a su Mayordomo, Francisco de Santa Cruz. México 6 de Marzo de 1526," in Cuevas, *Cartas y Otros Documentos*, pp. 41-47.

<sup>101</sup> Royal *cédula*, in Puga, *Provisiones, Cédulas, Instrumentos de su Magestad*, . . . (Mexico, 1563), ff. 12-13.

inces,<sup>102</sup> Cabo de Honduras and Las Ygueras, Guatemala, Yucatán, Cozumel, Pánuco, La Florida, Río de las Palmas, and all the other provinces between the Cape of Honduras and the Cape of Florida on both the South Sea and the coasts of the north were

<sup>102</sup> From the text of the above-cited *cédula* it seems that by New Spain and its provinces at that time was meant that part of the mainland which had been conquered by Cortés and his agents, less Honduras, Guatemala, and Pánuco. The salutation of the *cédula* reads "Don Carlos. . . . A vos los nuestros Gobernadores, y otras justicias, y juezes qualesquier de la nueva España, y prouincias della cabo de Onduras y de las ygueras, y Guatimala e yucatan e Coçuniel y panuco, y la Florida, y rio d' las palmas, y d' todas las otras prouincias, que ay y se incluyen desde el dicho cabo de Onduras, hasta el cabo de la Florida; así por la mar del sur, como por las costas del norte, y a los concejos, justicias, Regidores Caualleros escuderos, y oficiales e omes buenos de todas los ciudades villas, e lugares de las dichas tierras e prouincias de suso declaradas, . . . ."

The next year, 1528, according to Herrera (*Historia General*, dec. iv., lib. iv., cap. ii.), the king with the approval and advice of Cortés, ordered that for the future New Spain should be understood to include all of the provinces at that time a part of the government of Mexico, Pánuco, Yucatán, Cozumel, Guatemala, and Río de las Palmas. The statement of Herrera is as follows: "i aunque havia dado la orden referida, en la particion de los Terminos de cada Prouincia, con parecer de Don Hernando Cortés, para maior declaracion, se mandó, que para adelante fuese visto llamarse Nueva-España, todas las Prouincias, que al presente eran de la Governacion de Mexico, Panuco, Yucatán, coçumél, i la de Guatemala, i del Río de las Palmas, que estaba dado á panfilo de Narvaez con todo lo incluso en sus Limites, i Governaciones . . . ."

In the above use of the term New Spain, however, it seems likely that Herrera meant the Audiencia and Royal Chancery of New Spain and not the political jurisdiction of the same name. The following facts are offered to support the above conclusion. In 1530 a new *audiencia* was sent to New Spain. From the text of a royal order (in Puga, *Provisiones, Cédulas*, ff. 47-48) issued on July 12, 1530, to the governors and other subjects under the jurisdiction of this new *audiencia* it is even clearer than from the text of the above-cited *cédula* of December 13, 1527, that the political jurisdiction of New Spain included only that part of the mainland conquered by Cortés and his agents, with the exception of Honduras, Guatemala, and Pánuco. The order in question reads in part as follows: "Don Carlos . . . A vos nuestros Gouernadores Alcaldes mayores, y vuestro lugar teniente, en el dicho oficio, & a todas & qualesquier nuestros juezes & justicias de todas las ciudades villas y lugares, assi de la nueua España & prouincias della, como de las prouincias de cabo de honduras & las yegueras y Guatimala & Yucatan y Coçuniel, y Panuco, y Florida, y rio de las Palmas, como de todas las prouincias que ay, y se encluyen desde el dicho cabo de honduras, hasta el cabo de la Florida, assi por la mar del sur, como por la costa del norte, & cada vno de vos en vuestros lugares y jurisdicciones a quien esta nuestra carta fuere mostrada, . . . ."

Another order (in *ibid.*, f. 48) issued on the same day gives added support to the above conclusion. It reads in part as follows: "Don Carlos . . . A todos

placed under the immediate jurisdiction<sup>103</sup> of this *audiencia* designated as "la audiencia y chancilleria real de la nueva España".<sup>104</sup> It was further provided that the *audiencia* should be composed of four *oidores* and a president. The four *oidores*, according to Bancroft,<sup>105</sup> were appointed at once, and by April 5, 1528, Nuño de Guzmán, governor of the province of Pánuco and Vitoria Garayana, had been named president.<sup>106</sup> On January 1, 1529, the *audiencia* was formally convened at the City of Mexico, but instead of entering upon its assigned duties, of which the completion of the *residencia* of Cortés was one, an era of misrule and injustice was at once inaugurated.<sup>107</sup>

In the meantime Cortés had been received with favor at court and on July 6, 1529, the king granted him certain towns in New Spain and the vassalage of twenty-three thousand natives. According to the terms of this grant Cortés was to receive the revenues and tribute otherwise due to the crown and was to exercise both civil and criminal jurisdiction. It was provided, however, that appeals might be made from Cortés and his *alcalde mayor* to the crown, to the council, and to the judges of the

los nros Gouernadores & vuestros lugar tenientes & Alcaldes mayores, & otros Juezes & justicias qualesquier de todas las ciudades, villas y lugares de la nueva España & prouincias della, y de las provincias de cabo de honduras, y las yegueras, & Guatimala, y Yucatan, y Coçuniel, y Panuco y la Florida y rio de las palmas, & todas las otras provincias, que ay . . . ."

<sup>103</sup> The officials and colonists in the above-mentioned province were informed by the king that for the good government of the designated lands and for the administration of justice in them it had been decided to establish an *audiencia* and royal chancery in the City of Mexico. They were further ordered, each and every one, to obey and to respect, to comply with and to execute, and to cause to be complied with, guarded, and executed, the mandates of the *audiencia* in every way and in exactly the same spirit as if the king had issued them (Royal *cédula*, in Puga *Provisiones, Cédulas*, ff. 12-13).

<sup>104</sup> "Provision para la audiencia," in Puga, *op. cit.*, f. 7.

<sup>105</sup> Mexico, II. 274. The *oidores* appointed were Francisco Maldonado, Alonso de Parada, Diego Delgadillo, and Juan Ortiz de Matienzo. They sailed for New Spain in July, 1528 (*ibid.*, 274, 278; Moses, *Establishment of Spanish Rule*, p. 81).

<sup>106</sup> Instrucion [del Rey] a Nuño de Guzman, in Puga, *Provisiones, Cédulas*, ff. 22-26.

<sup>107</sup> Bancroft, *Mexico*, II. 282, *et seq.*



*audiencias* and chanceries.<sup>108</sup> Later that same day the title of Marques del Valle de Guajaca (Oaxaca)<sup>109</sup> was formally conferred upon Cortés,<sup>110</sup> and still later in the day he was appointed<sup>111</sup> captain-general of all New Spain,<sup>112</sup> with responsibilities and prerogatives equal and similar to those of the captains-general of other jurisdictions in Tierra Firme and elsewhere in the new world. Orders were at the same time issued to the president and *oidores* of the *audiencia* and to all other officers and subjects in New Spain to recognize and receive Cortés as their captain-general.<sup>113</sup>

The *residencia* of Cortés not having been concluded no statement was made concerning his reinstatement as governor of New Spain. On October 27, 1529, however, Cortés was given the right to explore, conquer, and settle any islands in the South Sea that lay within the jurisdiction of New Spain and also any other islands that he might discover lying further west and not included in grants to other jurisdictions at that time administered by governors. Cortés was also given authority to explore by way of the

<sup>108</sup> 'Carta de merced de veintitres mil vasallos en la Nueva España, hecha por el Emperador a Hernan Cortés, Marqués del Valle,' in *Col. Doc. Inéd.*, XII. 291-297. The same document, with differences in the spelling of some of the proper names, is also printed in Puga, *Provisiones, Cédulas*, ff. 66-67. See also Bancroft, *Mexico*, II. 308-309.

<sup>109</sup> As early as April 1, 1529 Cortés had been addressed by the king as Marqués ('Real cédula nombrando á Hernán Cortés capitan general de Nueva España', in *Col. Doc. Inéd.*, XII. 379-380), and as early as May Cortés appears to have assumed the title of Marqués del Valle ('Escrito Testimonial de Hernán Cortés, Marqués del Valle, ante S. M. en su Real Consejo de Indias. Presentados en Toledo a 19 de Mayo de 1529', in Cuevas, *op. cit.*, pp. 53-54; 'Escrito Judicial firmado por Hernán Cortés. Toledo 29 de Mayo de 1529', in *ibid.*, pp. 55-56).

<sup>110</sup> 'Titulo de Marques del Valle, otorgado á Hernando Cortés [July 16, 1529] in *Col. Doc. Inéd.*, XII. 381-383. The same document is also printed in *Col. Doc. Inéd. de España*, I. 105-108. In the latter copy the date July 20 is given. That is manifestly incorrect, since in two other *cédulas* issued on July 6 Cortés is referred to as Marqués del Valle (*Col. Doc. Inéd.*, XII. 380-381, 384-386; *Col. Doc. Inéd.*, de *España*, I. 103-105).

<sup>111</sup> As early as April 1, 1529, Cortés had been told that until his *residencia* was concluded and the outcome known he might bear the title of captain-general of all New Spain, and provinces and coasts of the South Sea (Real cédula nombrando á Hernan Cortés captain general de Nueva España, *loc. cit.*, XII. 279-380).

<sup>112</sup> 'Titulo de capitan general de la Nueva Espana otorgado al Marques del Valle,' *loc. cit.*, XII. 384-386.

<sup>113</sup> *Ibid.*

west coast any part of the mainland not previously discovered and not included in the grants to Pánfilo de Narváez and Nuño de Guzmán. At the same time he was promised for life the governorship and the office of *alguacil mayor* of all such islands and lands discovered and conquered.<sup>114</sup> On November 5 this promise was fulfilled and Cortés was named governor and *justicia*, with civil and criminal jurisdiction.<sup>115</sup>

In July, 1530, Cortés reached New Spain, where friction at once developed between himself and the *Audiencia*. This, however, was of short duration, for a new *Audiencia*,<sup>116</sup> pledged to the execution of justice was convened in the City of Mexico on January 12, 1531.<sup>117</sup> The area over which this *Audiencia* exercised jurisdiction<sup>118</sup> and its powers were practically identical with those of its delinquent predecessor.<sup>119</sup>

Prior to the organization of the second *Audiencia*, the king had decided to establish a viceroyalty in New Spain, and as early as 1530 Don Antonio de Mendoza had been chosen to serve as the first viceroy.<sup>120</sup> It was not, however, until April 17, 1535, that Mendoza's commission formally designating him as viceroy and governor of New Spain and its provinces, was issued. By this

<sup>114</sup> "Capitulacion que se tomó con el Marqués del Valle, para el descubrimiento de la mar del sur," in *Col. Doc. Inéd.*, XXII. 285-287, and *Col. Doc. de España*, I. 108-109.

<sup>115</sup> "Cédula de Carlos V nombrando á Hernán Cortés, Gobernador de las islas y tierras que descubriese en el mar del Sur," in *Col. Doc. Inéd.*, de *España*, II. 401-405.

<sup>116</sup> As early as March 22, 1530, the queen in a *cédula* addressed to Cortés announced her intention of sending a new *audiencia* to New Spain (Royal *cédula*, in *Col. Doc. Inéd.*, XII. 403-404). On July 12 instructions were issued to the new *audiencia* of which Sebastian Ramírez de Fuenleal, Bishop of Santo Domingo, was president, and Juan de Salmeron, Alonso Maldonado, Francisco Ceynos, and Vasco de Quiroga were *oidores* (Puga, *Provisiones, Cédulas*, f. 37, et seq. and f. 56).

<sup>117</sup> Bancroft, *Mexico*, II. 326. Orozco (*Legislación y Jurisprudencia sobre Terrenos Baldíos*, I. 2 vols., Mexico 1895, p. 176) gives December 16, 1530 as the date of the installation of the second *audiencia*.

<sup>118</sup> For the exact limits of the jurisdiction of the second *audiencia* see paragraph 3, note 102.

<sup>119</sup> Bancroft, *Mexico*, II. 322-326.

<sup>120</sup> Bancroft, *Mexico*, II. 376; Beaumont, *Cronica . . . de Michoacan* (Mexico, 1873-1874), III. 539.

commission Mendoza was authorized to govern New Spain and its provinces in the name of the king and as his viceroy. As such, he was instructed to look after the propagation of the faith, the welfare of the native subjects, and the development of the country. At the same time, instructions were issued to all officials and residents of New Spain and its provinces to receive Mendoza as the king's viceroy and governor.<sup>121</sup> On the same day Mendoza was named president of the *Audiencia* of New Spain, although he did not have the right to vote on judicial matters.<sup>122</sup>

(3) *The Founding of Nueva Galicia; Cortés in the West.*—The town of Colima, founded by agents of Cortés in 1522 remained until 1530 the northern Spanish outpost in the region bordering the South Sea. Prior to this, however, Tzintzuntzan had been designated as the capital of the rapidly developing province of Michoacan.<sup>123</sup> From there, where he recruited and provisioned his forces, Guzmán, the unworthy president of the first *audiencia*, anxious to retrieve his waning prestige by extending the conquest, advanced in December, 1529, into the region to the north. On May 29, 1530, having left a garrison at Tepic,<sup>124</sup> Guzmán crossed the Tololotlan River into unexplored territory and formally took possession of it under the name of Mayor España. During the winter of 1530-1531, Guzmán advanced into what is now Sinaloa, and in October, 1531, he moved further north and founded the *villa* of San Miguel de Culiacán, from where he himself set out about the middle of October for Jalisco.<sup>125</sup> He had succeeded in establishing a new Spanish outpost far to the north of the frontier of settlement.

<sup>121</sup> Royal order in Puga, *Provisiones, Cédulas*, ff. 98-99.

<sup>122</sup> Royal order in *ibid.*, f. 99. Before the appointment of Mendoza orders to New Spain were usually addressed to "Nuestro presidente & oydores de la nuestra audiencia y chancilleria de la nueva España" (Puga, *Provisiones, Cédulas* ff. 52, 70, etc.). After Mendoza was sent to New Spain, the salutation contained in the royal orders was frequently as follows: "Don Antonio de Mendoza, nuestro Visorrey & Gouernador de la nueva España & presidente de la chancilleria real, que en ella reside" (*ibid.*, ff. 108-114, etc.).

<sup>123</sup> Bancroft, *Mexico*, II. 341-343.

<sup>124</sup> Bancroft *op. cit.*, II. 356.

<sup>125</sup> Bancroft, *op. cit.*, II. 356-365; Bancroft, *History of the North Mexican States and Texas* (San Francisco, 1884-1889), I. 29-39.

Prior to Guzmán's return to Jalisco he received word that the king, in response to his request, had confirmed him as governor of the newly conquered region.<sup>126</sup> The assumption of Guzmán, however, that this region, subdivided by him into provinces, constituted an independent jurisdiction, separate and apart from New Spain,<sup>127</sup> together with the arrogantly-chosen title, Greater Spain, met with royal disfavor. Not only was Greater Spain changed to New Galicia but by the latter's complete title *Nueva Galicia de la Nueva España*, it was specifically designated as a part of New Spain,<sup>128</sup> although no definite boundaries were at the time assigned to it.<sup>129</sup> Jalisco was now permanently occupied, many claims, including those of Cortés, despite his captaincy-general of all New Spain, being unscrupulously ignored and encroached upon by Guzmán.

As a result of his aggressions in the south, however, Guzmán prior to 1533, was ordered by the Audiencia of New Spain to restrict his operations to the region north of Jalisco and not to interfere in the affairs of Colima, Michoacan, and Tonalá.<sup>130</sup> On April 20, 1533, the queen in a royal order rebuked Guzmán for having interfered in the affairs of the *villa* of Colima and advised him in the future not to exceed his instructions as governor of his province.<sup>131</sup> One month later Guzmán as "governor

<sup>126</sup> Bancroft, *Mexico* II. 365.

<sup>127</sup> On July 8, 1530 Guzman wrote a letter "En Omitlan, en la provincia de Mechuan, de la Mayor España (*Col. Doc. Inéd.*, XIII. 393). Another letter was written on January 15, 1531 "Desta provincia de Chiametla, en la mayor España" (*ibid.*, 408). The name "Mayor España" or its Latin equivalent is found on maps of the period.

<sup>128</sup> As early as February 17, 1531, royal instructions were issued to the officials "de la provincia de Galizia de la nueva España" (Royal order in Puga, *Provisiones, Cédulas*, f. 73). In another order issued on April 20, 1533, Guzmán was addressed as "nuestro Gouernador de la nueua Galizia de la nueva España" (*ibid.*, f. 82). A month later the salutation of a royal order to Guzmán read, "Nuestro Gournador de la prouincia de Galicia de la nueva España" (*ibid.*, f. 87).

<sup>129</sup> Bancroft, *Mexico*, II. 365-366.

<sup>130</sup> *Ibid.*, II. 372.

<sup>131</sup> Royal order in Puga, *Provisiones, Cédulas*, f. 82. Another order was issued the same day relieving Guzmán of his commission as governor of Pánuco, the reason being that no provincial government was necessary there (*ibid.*, f. 82).

of the province of Galicia of New Spain", was instructed by the queen to keep the president and *oidores* of the *Audiencia* informed concerning what was necessary for the settlement (*poblacion*) and conversion of the natives and for the pacification of the province.<sup>132</sup> Henceforth, Nueva Galicia, as a political unit, was under the unquestioned jurisdiction of the viceroy.<sup>133</sup>

In the meantime Cortés, with his bases of operations at Acapulco and Tehuantepec, had put into execution his long-projected plan of northward exploration by water. In 1532 an expedition under Hurtado de Mendoza probably reached the Río del Fuerte, though none of the members ever lived to return. The following year another expedition discovered Baja California and, in 1535, Cortés established the short-lived colony of Puerto de la Paz on the east coast of the peninsula.<sup>134</sup> Thus by the terms of the *cédula* of November 5, 1529, making him governor of all lands discovered, Cortés became the first governor of California.<sup>135</sup>

(4) *The Delimitation of Castilla del Oro, Nicaragua, and Vera-gua*.—Further south on the mainland political readjustments were being made at the same time. Even before Cortés left Honduras for Mexico Pedrarias had moved north from Panamá against Córdoba, who was at that time making overtures to Cortés. The execution of Córdoba and the departure of Cortés filled Pedrarias with the ambition of wresting Honduras from Saavedra and of annexing it to Castilla del Oro, as Nicaragua had been. The territory bordering upon Honduras was occupied and

<sup>132</sup> Royal order in Puga, *op. cit.*, f. 87.

<sup>133</sup> On February 3, 1537, the king, because of the rebellious and disrespectful attitude assumed by the new governor and other officials of Nueva Galicia, ordered them henceforth to obey the *audiencia* and to respect and execute, as well as cause to be respected and executed, the orders of the president and *oidores*. This was to be done without question or delay, and co-operation and assistance were to be given to the *audiencia* upon request. Otherwise the officials of Nueva Galicia were threatened with the penalties commonly meted to disloyal subjects (Royal *cédula*, in Puga, *op. cit.*, f. 112 *et seq.*).

<sup>134</sup> Bancroft, *North Mexican States*, I. 41-53.

<sup>135</sup> See "Map of the South Sea and the Gulf of California Reproduced from the original found in the possession of the Marques del Valle," in MacNutt, *Fernando Cortés*, p. 450.

plans were laid for advancing into the province, when the arrival at Panamá of a new governor, Pedro de los Ríos,<sup>136</sup> caused the plans to be abandoned. Even before this the new governor, Diego López de Salcedo, had arrived in Honduras.<sup>137</sup> Thus it was that the desire of Pedrarias to include Honduras within the limits of Castilla del Oro was thwarted by two different and unexpected events. Pedrarias returned to Panamá from León but before his *residencia*, instituted upon his arrival, was completed, Nicaragua, by royal order was separated from Castilla del Oro, and Pedrarias appointed governor there.<sup>138</sup> Civil war followed between the rival governors of Honduras and Nicaragua. The outcome was on the whole favorable to Pedrarias and within the next few years the eastern part of the mainland had been explored between the San Juan and the Segovia rivers and a colony established at Cape Gracias a Dios.<sup>139</sup> To the northwest Salvador was temporarily occupied by lieutenants of Pedrarias but was later regained by Alvarado operating from Guatemala.<sup>140</sup> In the south a contest with Pedro de los Ríos finally resulted in the king, on April 21, 1529, definitely placing the *villa* of Bruselas within the jurisdiction of Nicaragua.<sup>141</sup>

In 1534, the long contest between the heirs of Columbus and the crown over Veragua was compromised and Felipe Gutiérrez, an agent of the widow of Diego Columbus, was appointed gover-

<sup>136</sup> Pedro de los Ríos was named governor of Castilla del Oro in a royal *cédula* dated at Toledo on August 25, 1525, but his commission was not issued until October 28 of that year. His instructions were dated at Seville on May 3, 1526 (Peralta, *Costa-Rica, Nicaragua y Panamá*, Madrid, 1883, p. 718). Ríos arrived at Nombre de Dios from his home in Española on July 30, 1526 (Bancroft, *Central America*, I. 592).

<sup>137</sup> Salcedo was inaugurated at Trujillo on October 27, 1526. (Traslado testimonio de una *cédula* del Emperador Carlos V y de Doña Juana su madre, nombrando á Diego Lopez de Salcedo por gobernador del Golfo de las Higueras", in *Col. Doc. Inéd.*, XIV. 47-52).

<sup>138</sup> Pedrarias was named governor of Nicaragua by the king in a royal *cédula* dated at Valladolid on March 16, 1526, his term of office to depend upon the pleasure of the king. The commission was despatched to Pedrarias on June 1, 1526 (Peralta, *op. cit.*, p. 719).

<sup>139</sup> Bancroft, *Central America*, I. 607.

<sup>140</sup> *Ibid.*, 611; Peralta, *op. cit.*, IX.-XI.

<sup>141</sup> Peralta, *op. cit.*, IX.-XI.

nor by the crown, In 1535, Gutiérrez founded on the banks of the Belén, or of the Veragua River, the short-lived city of Concepción. Its abandonment was but the continuation of a checkered history that was in time to result in the assumption by the crown of direct control over the jurisdiction.<sup>142</sup>

Thus, by 1535, the northern and southern streams of conquest from Panamá and from Mexico had met, the establishment and delimitation of political jurisdictions in what is now Central America and Southern Mexico had followed and, with the exception of Veragua, Spanish occupation therein had been definitely effected. Overshadowing and outstripping all other jurisdictions was that of New Spain, which now, in 1535, became the first viceroyalty on the mainland of the Americas. Great as New Spain was at that time, the foundation for its future greatness had only been laid; thenceforth, its expansion was in the direction of the north, where even richer fields invited conquest.

CHARLES W. HACKETT.

*Berkeley, December, 1917.*

<sup>142</sup> Guardia, *Discovery and Conquest of Costa Rico*, pp. 107-115. In 1537 Veragua was created a dukedom, Don Luis Columbus being named the first duke. After repeated failures to settle the district the dukedom was surrendered to the crown on December 2, 1556 for an annual pension of 7,000 ducats (*ibid.*, pp. 114-115). See also Peralta, *op. cit.*, pp. 725-727.